

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ETIMINE USA INC.,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 2:20-cv-713-WSS
vs.	:	
	:	
GOKHAN YAZICI, and	:	
YZC CONSULTING LTD.,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**  
**PURSUANT TO RULE 12(B)(6)**

Defendants, Gokhan Yazici and YZC Consulting Ltd. (“YZC Consulting”), by and through their counsel, file the following Motion to Dismiss the Amended Complaint Pursuant to Rule 12(b)(6) for failure to state any claims upon which relief may be granted, averring as follows:

1. Plaintiff’s Amended Complaint contains claims against Defendants for (i) trade secret misappropriation under the Defense of Trade Secrets Act (“DTSA”) (Counts One and Two); (ii) trade secret misappropriation under the Pennsylvania Uniform Trade Secrets Act (“PUTSA”) (Counts Five and Six); (iii) conversion (Counts Seven and Eight); and (iv) two breach of contract claims against Dr. Yazici only (Counts Three and Four).

2. The Amended Complaint should be dismissed in its entirety because Plaintiff released its claims against Dr. Yazici in a December 2018 Separation Agreement.

3. Plaintiff’s Amended Complaint should also be dismissed in its entirety on the grounds that:

a. Plaintiff failed to identify any information that constitutes protectable

trade secrets or misappropriation in support of its trade secret misappropriation claims;

- b. Plaintiff failed to allege any damages in support of its claims; and
- c. Plaintiff failed to allege the existence of a “chattel” and other requisite elements of its conversion claims.

4. Further and in any event, the Court should strike from the Amended Complaint Plaintiff’s request for injunctive relief because Plaintiff does not allege any facts permitting the inference that Defendants will use or otherwise misappropriate any of Plaintiff’s alleged trade secrets.

5. In a similar vein, Plaintiff’s request for exemplary or punitive damages and attorneys’ fees, costs, or expenses should be stricken because Plaintiff fails to allege any facts permitting the inference that Defendants acted “intentionally and maliciously.”

6. The legal and factual grounds in support of this motion are set forth in the accompanying brief, which are incorporated by reference herein.

WHEREFORE, for all the foregoing reasons, Defendants Gokhan Yazici and YZC Consulting Ltd. respectfully request that this Court dismiss Plaintiff’s Amended Complaint against them for failure to state any claim against the Defendants pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,  
DENTONS COHEN & GRIGSBY P.C.

By: /s/ Fridrikh V. Shrayber

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*Attorneys for Defendants, Gokhan Yazici and YZC  
Consulting Ltd.*

Dated: September 22, 2020  
3413157.v1

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of September 2020, a true and correct copy of the foregoing Defendants' Motion to Dismiss the Amended Complaint Pursuant to Rule 12(b)(6) was served via the Court's CM/ECF system to all counsel of record.

/s/ Fridrikh V. Shrayber